

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAMES BROWN,

Plaintiff,

v.

CIV 17-0767 KBM/KK

PETER CROWLEY, HOLLY AGAJANIAN,
DYLAN O'REILLY, RANNE B. MILLER,
HARDY EUBANKS,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*.

On July 27, 2017, the Honorable Kirtan Khalsa ordered the Clerk of the Court to unseal this case filed by Plaintiff James Brown. *Doc. 6*. Having now reviewed the Complaint, the Court has serious concerns about whether this case can be heard in federal court. *See Davis ex rel. Davis v. U.S.*, 343 F.3d 1282, 1295 (10th Cir. 2003) (“[T]he district court . . . can *sua sponte* question subject matter jurisdiction. . . .”). Unlike the state district court in New Mexico, “[f]ederal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The federal court may only preside in instances where: (1) the parties’ citizenship is diverse and the amount in controversy exceeds \$75,000; or (2) the face of the complaint raises a federal question. *See* 28 U.S.C. §§ 1331, 1332; *Karnes v. Boeing Co.*, 335 F.3d 1189, 1192 (10th Cir. 2003) (federal jurisdiction must be evident from the face of the complaint).

Although Plaintiff checked the “Diversity” box on the Civil Cover Sheet as a basis for jurisdiction, the Complaint is devoid of any allegations regarding the citizenship of parties. *See Doc. 1*. Moreover, the Complaint’s conclusory allegations (“trespass” via a “forged instrument” by the alleged “wrongdoers”) fail to provide the Court with any factual allegations sufficient to identify a viable cause of action over which this Court would have jurisdiction. “[T]o withstand a motion to dismiss, a complaint must contain enough allegations of fact ‘to state a claim to relief that is plausible on its face.’” *Robbins v. Oklahoma*, 519 F.3d 1242, 1247 (10th Cir. 2008) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 569 (2007)). Plaintiff James Brown, who identifies himself as “I: a man; prosecutor,” has filed a pleading so lacking in factual allegations that it fails to satisfy this most basic requirement.

Wherefore,

IT IS HEREBY ORDERED that Plaintiff James Brown file a document with the Court no later than Monday, August 28, 2017 showing cause why this action should not be dismissed for lack of jurisdiction. James Brown is cautioned that failure to so respond by that deadline will likely result in dismissal of this action.


UNITED STATES CHIEF MAGISTRATE JUDGE